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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,273	02/01/2001	Frank M. Sexton	103	7225

7590 12/14/2004

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EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,273

Applicant(s)

SEXTON ET AL.

Examiner

Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-11 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sexton et al., Pat. No. 5,752,236 (hereinafter Sexton) in view of McCoy, Thomas A., "Auto-Homeowners packages look like a winner" (hereinafter McCoy).

As to claims 1 and 5, Sexton discloses a method for forming an insurance plan comprising the steps of:

collecting data concerning multiple insurance coverages (col. 9, lines 1-10 and col. 10, lines 10-21);

inputting said data concerning multiple insurance coverages into a data processing apparatus col. 13, lines 54-58);

collecting data about an individual or other risk to be insured (col.13, lines 62-66);

inputting said data about the individual or other risk into the data processing apparatus (col. 13, lines 62-66) ;

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disproportionately allocating benefits and obligations regarding said prototype policy into at least two new policies, said at least two new policies being separate but related (col. 10, lines 35-40 and lines 51-66 and col. 12, lines 18-64); and displaying all of the separate but related policies Col. 13, lines 39-42).

Sexton does not explicitly disclose selecting three or more coverages to form a prototype policy,

However, McCoy discloses selecting three or more coverages to form a prototype policy (i.e. package product)(abstract page 1 and page 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by McCoy within Sexton for the motivation of providing increased retention (see abstract)

As to claims 3 and 7, Sexton discloses A method as claimed in claim 1 wherein the data about an individual to be insured includes information concerning one or more of the following subjects: sex, age, marital status, individual medical history, family medical history, usage of alcohol, tobacco and drugs, automobile driving record, credit report, financial statement, criminal record, current medical examination report and results and any physical disabilities and impairments (col. 13, lines 62-66).

As to claim 6, Sexton discloses An insurance system as claimed in claim 5 wherein:
base product data relates to the probability of the event insured against

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occurring, the time value of money, the benefits promised, expenses, and profits and contingencies (col. 9, lines 1-10).

4. Claims 2, 4, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sexton and McCoy as applied to claims 1 and 5 above, and further in view of Smith, Victoria hall, "Protect yourself" (hereinafter Smith).

As to claim 2, 8, 10 and 11, Sexton does not explicitly disclose An insurance system as claimed in claims 1 and 5 wherein:

said information concerning at least three insurance coverages include coverages from the among the following group: life, health, disability, major medical, critical illness, long-term care, and property and casualty coverages.

However, However, Sexton discloses life coverage. In addition, McCoy discloses said information additional coverages from the among the following group: life, health, disability, major medical, critical illness, long-term care, and property and casualty coverages (page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by McCoy within Sexton for the motivation of improving client retention (see abstract). Furthermore, Smith discloses additional coverages from the among the following group: life, health, disability, major medical, critical illness, long-term care, and property and casualty coverages (page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as

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disclosed by Smith within Sexton and McCoy for the motivation of providing additional incentives to clients by providing discounts for package deals (page 2).

As to claims 4 and 9, the claims are substantially similar to claim 3 and are rejected on the same basis.

Response to Arguments

5. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Comprehensive cover for small, medium units" discloses package insurance policies.

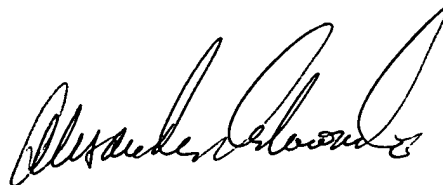
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax

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telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.

A handwritten signature in black ink, appearing to read "Alexander Kalinowski", with a stylized flourish at the end.

Alexander Kalinowski

Primary Examiner

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12/11/2004